

Minute

Planning Committee

Wednesday, 28 May 2025, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Owen Tierney, David Dawson, P Lindsay Hall, James R Moar, Janette A Park, Raymond S Peace, John A R Scott, Jean E Stevenson, Ivan A Taylor and Duncan A Tullock.

Clerk

- Katy Russell-Duff, Committees Officer.

In Attendance

- Gavin Barr, Interim Head of Planning and Regulatory Services.
- Jamie Macvie, Service Manager (Development Management).
- Stuart Bevan, Solicitor.
- Donald Wilson, Roads Authority Officer.

Observing

- Hayley Green, Director of Infrastructure and Organisational Development.

Apology

- Councillor W Leslie Manson.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Owen Tierney.

1. Planning Application 25/083/PP

Proposed Conversion of Building to Mixed Use Nightclub, Bar, Bowling Alley and Other Indoor Recreation, Convert Courtyard to Event Space, Erect Kiosks and Associated Works (Temporary for 10 Years) (Part Amendment to 23/422/PP) (Part Retrospective) at 18 Bridge Street, Kirkwall

Neil Stevenson, applicant, and Stephen Omand, agent representing the applicant, were present during consideration of this item.

After consideration of a report by the Director of Infrastructure and Organisational Development, copies of which had been circulated, and after hearing a report from the Service Manager (Development Management), the Committee:

Noted:

1.1. That, as the planning application for the proposed conversion of a former shop, bakery and store to a mixed use nightclub, bar, bowling alley and other indoor recreation (Use Class 11), and ancillary storage, installation of five air source heat pumps, extension to create a covered fire exit and storage (shed), installation of glazed screens, doors, and panelled cladding in courtyard openings, re-roofing part of a roof, installation of roof ducts and solar panels, conversion of part of a courtyard to an event space/garden and seating, erection of four hot food takeaway kiosks, a temporary stretch tent, and gates including on street boundary, and associated landscaping including a sheet pile wall, resurfacing with flagstones, and planting including trees and shrubs (temporary for 10 years) (part amendment to 23/422/PP) (part retrospective) at 18 Bridge Street, Kirkwall, was considered to be of strategic importance and previous applications relating to the development had been considered by the Planning Committee, the current application was also being reported to the Planning Committee for determination.

After hearing representations from the applicant's agent, Stephen Omand, and the applicant, Neil Stevenson, the Committee:

Resolved, in terms of delegated powers:

1.2. That the proposed development had been fully assessed and was in accordance with the undernoted policies:

- National Planning Framework 4:
 - Policy 3 – Biodiversity.
 - Policy 7 – Historic assets and places.
 - Policy 9 – Brownfield, vacant and derelict land and empty building.
 - Policy 14 – Design, quality and place.
 - Policy 22 – Flood risk and water management.
 - Policy 26 – Business and Industry.
 - Policy 27 – City, town, local and commercial centres.
 - Policy 28 – Retail.
- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 3 – Settlements, Town Centres and Primary Retail Frontages.
 - Policy 4 – Business, Industry and Employment.
 - Policy 8 – Historic Environment and Cultural Heritage.
 - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.

- Policy 14 – Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance:
 - Settlement Statements (2017).

1.3. That planning permission be granted in respect of the proposal for the conversion of a former shop, bakery and store to a mixed use nightclub, bar, bowling alley and other indoor recreation (Use Class 11), and ancillary storage, installation of five air source heat pumps, extension to create a covered fire exit and storage (shed), installation of glazed screens, doors, and panelled cladding in courtyard openings, re-roofing part of a roof, installation of roof ducts and solar panels, conversion of part of a courtyard to an event space/garden and seating, erection of four hot food takeaway kiosks, a temporary stretch tent, and gates including on street boundary, and associated landscaping including a sheet pile wall, resurfacing with flagstones, and planting including trees and shrubs (temporary for 10 years) (part amendment to 24/422/PP) (part retrospective) at 18 Bridge Street, Kirkwall, subject to the conditions attached as Appendix 1 to this Minute.

2. Planning Application 25/098/PP

Proposed Painting of Mural at 18 Bridge Street, Kirkwall

Neil Stevenson, applicant, and Stephen Omand, agent representing the applicant, were present during consideration of this item.

After consideration of a report by the Director of Infrastructure and Organisational Development, copies of which had been circulated, and after hearing a report from the Service Manager (Development Management), the Committee:

Noted:

2.1. That, given the link with the wider development of the site whereby decisions had been made by the Planning Committee, the planning application for the proposed painting of a mural at 18 Bridge Street, Kirkwall, was also being reported to the Planning Committee for determination.

After hearing representations from the applicant's agent, Stephen Omand, and the applicant, Neil Stevenson, the Committee:

Resolved, in terms of delegated powers:

2.2. That the proposed development had been fully assessed and was in accordance with the undernoted policies:

- National Planning Framework 4:
 - Policy 7 – Historic assets and places.
- Orkney Local Development Plan 2017:
 - Policy 6 – Advertisements and Signs.
 - Policy 8 – Historic Environment and Cultural Heritage.
- Supplementary Guidance:
 - Historic Environment and Cultural Heritage (2017).

2.3. That planning permission be granted in respect of the proposal for painting a mural at 18 Bridge Street, Kirkwall, subject to the conditions attached as Appendix 2 to this Minute.

3. Conclusion of Meeting

At 10:20 the Chair declared the meeting concluded.

Signed: Owen Tierney.

Appendix 1.

Proposed Conversion of Building to Mixed Use Nightclub, Bar, Bowling Alley and Other Indoor Recreation, Convert Courtyard to Event Space, Erect Kiosks, and Associated Works (temporary for 10 years) (part amendment to 23/422/PP) (part retrospective) at 18 Bridge Street, Kirkwall (25/083/PP)

Grant, subject to the following conditions:

01. Planning permission is hereby approved for a temporary period only and shall cease to have effect in 10 years, beginning: (1) on the date any part of the development is brought into operation and use by the public, or (2) three years from the date of this decision notice, whichever is sooner. Prior to the cessation date, all physical development associated with this permission shall be removed from site, the land restored to its former condition, and all uses cease to the satisfaction of the Planning Authority.

Reason: To ensure that the temporary development is timeously removed from the site and temporary uses cease.

02. Total noise from all plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration services or similar, and including fans, ducting and external openings, shall be so installed, maintained and operated such that any associated operating noise does not exceed NR35 during the day and NR25 at night within any residential property outwith the development, where NR35 and NR25 is the Noise Rating Curve at 35 and 25 (noise measurements/predictions to be made with a window of any residential property outwith the development open no more than 50 millimetres).

Reason: To protect any nearby residents from the excessive noise disturbance from the fixed plant and equipment.

03. The development hereby approved should not be operated or brought into use until pre-completion testing has been completed which demonstrates compliance with the following:

- Music and entertainment noise from the nightclub and bowling alley shall not exceed NR25 during the day and NR15 at night, as measured/predicted within the nearest noise sensitive receptor(s) (noise measurements/predictions to be made with a window of any residential property outwith the development open no more than 50 millimetres, where the NR measurement parameter is Leq, 5 mins). NR25 and NR15 are the Noise Rating Curves at 25 and 15.
- A series of testing shall be undertaken to ensure that representative music noise levels can be measured and recorded, and then these noise levels shall be used to calibrate and fix the onsite PA systems to not exceed this limit.
- A pre-occupation testing report detailing the results shall be submitted to and approved, in writing, by the Planning Authority, in conjunction with Environmental Health. Non-compliance with these levels would require additional mitigation measures to be incorporated into the development before it is brought into use.

Reason: To protect any nearby residents from excessive noise disturbance from the music and entertainment noise generated by the operation of the nightclub and bowling alley.

04. Should the Planning Authority receive complaints about music or entertainment noise from this site, an inspection on how exceedance could have occurred should be undertaken, followed by a noise breakout survey to ensure compliant levels are maintained, with a report on the findings being submitted to the Planning Authority for review.

Reason: To protect any nearby residents from excessive noise disturbance from the music and entertainment noise generated by the operation of the nightclub and bowling alley.

05. No development shall commence until a Management and Operating Plan is submitted to and approved, in writing, by the Planning Authority. This Plan shall include:

- The days and hours of operation of the bowling alley and nightclub.
- The nature, days and hours of operation of the garden courtyard including public events and proposed erection of the temporary stretch tent.
- Hours and methodology for commercial deliveries.

Thereafter, the development shall operate wholly in accordance with the approved Management and Operating Plan.

Reason: To protect any nearby residents from noise disturbance from the operation of the development, noting that hours of operation formed part of the noise impact assessment assessed by Environmental Health.

06. Due to the archaeological sensitivity of the site, the development hereby approved shall not result in:

- The removal of the concrete surface between the current warehouse buildings and the street frontage, immediately below which archaeology has been shown to exist.
- Any excavations within the buildings deeper than the depth of the concrete surface.
- Any excavation of foundations for the new extensions to the rear of the buildings.
- Any new trenches dug for waste water or sewage; development shall utilise existing services.

Reason: To protect the archaeological importance of the site.

07. Within four weeks of the date of this decision notice, full landscaping and biodiversity details (which may be as approved under planning permission 23/422/PP) shall be submitted to and approved, in writing, by the Planning Authority. The landscaping shall be implemented in full no later than the first planting season following the date of this decision notice. Thereafter, the biodiversity measures shall be retained throughout the lifetime of the development in accordance with the approved details unless otherwise agreed, in writing, by the Planning Authority.

Reason: To ensure biodiversity measures are implemented as required by National Planning Framework 4, Policy 3 'Biodiversity'.

08. No air source heat pumps shall be installed until an appropriate design and finish of external housing for the air source heat pumps hereby approved, has been submitted to and approved, in writing, by the Planning Authority. Development shall progress in accordance with the approved details. Thereafter, the approved housing shall be installed

no later than six weeks after the installation date of the air source heat pumps, and shall be retained in situ throughout the lifetime of the development.

Reason: To ensure the screening of incongruous plant on the exterior of the building, to safeguard the character and qualities of the building and its setting, and to preserve the character and appearance of the conservation area.

09. Within four weeks of the date of this decision notice, a Construction Method Statement shall be submitted to the Planning Authority for approval, in writing, in consultation with Roads Services. No further works shall be carried out on site beyond four weeks from the date of this decision notice, until this Construction Method Statement is approved. The Statement shall include the following:

- Number, frequency, weights and lengths of construction-related vehicles.
- The parking of vehicles of site operatives and visitors.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development.
- The erection and maintenance of security hoarding.
- Location and nature of temporary site welfare facilities as required.

The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: In order to ensure that the use of the premises remains compatible with the character of the surrounding area, and that no activities or processes take place which may be detrimental to its amenities.

10. No development shall commence until samples of the specification and colours (with RAL colour specified where applicable) of all external materials to be used in the development hereby approved have been submitted to and approved, in writing, by the Planning Authority. This shall include:

- Sheet pile steel.
- Corrugated sheet cladding.
- Timber cladding.
- Doors and windows (including glazing bead profile and no trickle ventilation).
- Standing seam.
- Gates (no permission is given for the gate detail as submitted due to requirements regarding flood risk, and the clearance at the bottom of the gate).
- Metal mesh.
- Stretch tent.

Thereafter, the development shall be completed wholly in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of appearance of the development.

11. Hours of work during the construction of the development hereby approved, involving the use of machinery and powered tools, or any other operation, for example hammering, that would generate noise audible beyond the boundary of the site, shall be restricted to 07:30 to 18:00 Mondays to Fridays, 08:00 to 13:00 on Saturdays and not at all on Sundays or the Christmas or New Year Public Holidays unless otherwise agreed, in writing, with the Planning Authority. There shall be no burning of materials on site.

Reason: In the interest of the residential amenity of the area and in order to reduce any possible nuisance arising to nearby residents during the construction of this development.

Appendix 2.

Proposed Painting of Mural at 18 Bridge Street, Kirkwall (25/098/PP)

Grant, subject to the following conditions:

01. The development hereby approved to which this planning permission relates must be begun not later than the expiration of three years, beginning with the date on which the permission is granted, which is the date of this decision notice. If development has not commenced within this period, this planning permission shall lapse.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended, which limits the duration of planning permission.

02. Planning permission is hereby approved for a temporary period only, and the mural shall be retained for the duration of planning permission for use as a nightclub in the adjoining building only. The mural shall be removed at the cessation of use as a nightclub and the adjoining building, and the wall returned to a blank white finish.

Reason: To protect the character and appearance of the conservation area.

03. The mural shall be the following colours only, unless otherwise approved, in writing, by the Planning Authority:

- Light Green – RAL 6019.
- Medium Green – RAL 6000.
- Dark Green – RAL 6009.
- Blue – RAL 5015.
- Light Pink – RAL 3015.
- Dark Pink – RAL 3016.
- Red – 67 Hardangerrod.
- Yellow – Book 10 Solgul.
- White.

Reason: To protect the character and appearance of the conservation area.

04. No development shall commence until the dark grey background wall colour has been submitted to and approved, in writing, by the Planning Authority. Thereafter, the background wall shall be painted in the approved colours, only.

Reason: To protect the character and appearance of the conservation area.